

January 15, 1976

PRESIDENT: We will move to General File and commence with LB120.

CLERK: LB120 was first heard on January 7th and was bracketed until today. Read Koch amendment.

PRESIDENT: Chair recognizes Senator Koch on the amendments.

SENATOR KOCH: Mr. President, members of the body. There are three amendments that apply to this bill. Originally as the bill was introduced it put all primary elections, it moved them into September. However, one amendment now allows for a presidential primary election on those years when the candidacy is vacant. The second change takes away the cross-over vote that was in the bill originally of either party voting for other parties candidates. This removes that and allows only independents to vote. The amendments are printed in the Journal. Mr. President, before we get into the discussion on the bill, I move for the adoption of those amendments.

PRESIDENT: Record your vote. Have you voted? Please vote. Record.

CLERK: 25 AYES, 0 NAYS AND 24 NOT VOTING.

PRESIDENT: Amendments are adopted. Senator Koch.

SENATOR KOCH: I'm sorry Mr. President, I didn't hear.

PRESIDENT: The amendments are adopted. Would you want to address yourself to the bill?

SENATOR KOCH: Yes. Gentlemen, and Senator Marsh, I will address myself to the bill as amended. Originally as I presented this bill to the committee I was taking away the presidential primary as we now know it in May and moving it all to September. However, there were both parties who felt that this was not fair to the people or to candidates and as a result I have decided to move the presidential primary back on those years that it would be held and that would be the only primary that would be taking place. It would be an all star primary and the presidential candidates would be then be involved, along with those people who were running for National Convention from either party as delegates. Now then, in addition to that I allowed for a cross-over vote for either party in the primary. Again, there were some feelings on the part of the parties that this was not right, although I have not changed my philosophy. I see no reason why this can not work. It is working in other states and has caused no problem. So, what basically the bill does now is that it allows independents to vote in the primary and they can select either ballot to make their indications. This is basically the other third feature that the primaries would normally be held in September, then be followed by a general election. If you members would go with me for a moment I would give you the background on this. First, certainly in Nebraska would not be taking a step to a position that they never had before. In Nebraska if you would go back and check the history, we have had primary elections late in the fall. We did this on two different occasions. Actually the date of the primary has been changed twice. On four occasions the Legislature had set it once in August, once in July and once in April and once in June and now we finally have a present date of May. It is also interesting to note that when the direct primaries were first adopted in Nebraska in 1907 the date when it was to be held was set for the first Tuesday in September. That is exactly what I am trying to do now in this bill. There is a trend among states to move from the spring to late summer or fall primaries. In